31st August 1961]

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

" In the clause, add the following Explanation as Explanation IV:—

' *Explanation IV*.—A Panchayat Union Council constituted before the appointed day for a panchayat union specified in column (3) of Schedule II shall, in relation to the villages specified in the corresponding entries in column (1) thereof, be deemed to be constituted by a notification under sub-section (1) of section 11 of the Panchayats Act with effect on and from the appointed day.' "

It is only an Explanation, Sir.

The amendment was put and carried.

Clause 4, as amended, was put and carried.

Clauses 5 and 6 were put and carried.

Schedules I and II were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

" That the Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961), as amended, be passed."

DEPUTY SPEAKER : The question is—

" That the Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961), as amended, be passed."

The motion was put and carried and the Bill, as amended, was passed.

(5) THE MADRAS (ADDED TERRITORIES) EXTENSION OF LAWS (NO. 2) BILL, 1961 (L.A. BILL NO. 31 OF 1961).

THE HON. SRI C. SUBRAMANIAM : Sir, I beg to move—

" That the Madras (Added Territories) Extension of Laws (No. 2) Bill, 1961 (L.A. Bill No. 31 of 1961) be taken into consideration."

Sir, consequent on the alteration of boundaries of the States of Madras and Andhra Pradesh under the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), the territories specified in the Second Schedule to the said Act, have been added on to this State from the State of Andhra Pradesh. As the territories added on to this State formed part of the composite State of Madras before the formation of the State of Andhra in 1953, almost all the laws that were in force in 1953 continue to apply to those territories as they apply to the rest of the State of Madras. However, some of these laws have been amended in their application to either the added territories or the rest of the

[Sri C. Subramaniam] [31st August 1961

State or both. The amendments so made apply only to the area in respect of which the concerned Act was amended and they do not apply to the other area. So also, the principal Acts that were enacted subsequent to the formation of the State of Andhra by the Legislatures of this State and those of Andhra or Andhra Pradesh, as the case may be, apply only to the respective areas. For the sale of securing uniformity in the laws that are in force in both the areas it is proposed to integrate the said laws.

Certain taxation measures such as the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), the Madras Sales of Motor Spirit Taxation Act, 1939 (Madras Act VI of 1939), the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939) and the Madras Agricultural Income-tax Act, 1955 (Madras Act V of 1955) have already been extended to the added territories and the corresponding laws in force therein repealed.

A separate Bill has also been introduced in the present session for extending the Madras District Development Councils Act, 1958 (Madras Act XVIII of 1958) and the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958) to the added territories.

The present Bill seeks to extend a few enactments to those territories besides seeking to unify certain other enactments.

The remaining laws which require integration are under examination, in consultation wherever necessary with the Heads of Departments and also with particular reference to the local conditions, if any, prevailing in the added territories. As soon as the laws aforesaid are examined and finalised for unification either separate legislation will be undertaken in respect of measures which may be considered urgent or they will be included in a Consolidated Bill similar to the present one.

The provisions of the Bill do not call for any special remarks since they are purely general in character. The respective scope of all the four Schedules to the Bill have already been set out in the Statement of Objects and Reasons appended to the Bill.

With these words, I now request the House, Sir, to accept the motion.

DEPUTY SPEAKER: Motion moved—

"That the Madras (Added Territories) Extension of Laws (No. 2) Bill, 1961 (L.A. Bill No. 31 of 1961) be taken into consideration."

* SRI R. SRINIVASA IYER: Sir, though I have not got much to say on this Bill, I want to make a few suggestions. The Hon. Minister has said that the amendment of other laws with reference to the State are under consideration by the respective departments. The Bill under consideration consists of four Schedules. The First Schedule applies to the Added Territory. The Second Schedule has been inserted with reference to clause 4 which deals

31st August 1961] [Sri R. Srinivasa Iyer]

with amendment of certain enactments in so far as they applied to the added territories. Schedules III and IV deal with the repeal of certain enactments, so far as the added territories are concerned consequent on the bifurcation of the Andhra State and addition of new areas to this State. I would suggest that the amendments of the Schedules need not apply to the added territories only. If only we look at the amendments, we will find that they could very well be applied to the entire State. If we look at the Preamble of the Bill under consideration and also the Preamble of L.A. Bill No. 32, we will find that there are certain provisions in the body of the Bills which will not come within the purview of the Preamble. In all such cases, it is better that we include them in the Preamble also.

In this connection, I wish to point out that we have got hundreds of Acts in our Statute Book—Madras Code—which have become quite useless and which are not applicable at all, and which may be said to have spent themselves out. Just as the Andhra Pradesh State Government have appointed a Law Commission, I request that the Madras Government also may take steps in the direction of appointing a Law Commission for the State with such number of members as may be necessary to go into all these Acts and repeal all the unnecessary Acts and to bring them in consonance with each other. Because, at present we find references to old, repealed enactments in the subsequent Acts. Such a step is necessary so that the public may be aware of the latest laws in force. Now, the latest publication of the Local Acts and Regulations in force in the Madras State costs Rs. 15 or so. It has become so bulky a volume. If we go through that list, we will find that many of the Acts cannot be applied now and many of the references are wrong. I suggest that in the interests of proper administration of law, a Law Commission be appointed as early as possible by the State Government, to go into the various aspects. The Law Secretary and other Departmental Officers may also be in the Commission. That Law Commission may go into the various Laws that are said to be in force and make suggestions with regard to the repeal of such of the laws as may be considered to be useless and which have spent themselves out. Based on the recommendation of that Commission, legislation for repeal and amendment of those enactments wherever necessary, may be brought forward before the Legislature as early as possible.

Sri K. VINAYAKAM: உதவி சபாநாயகர் அவர்களே, பொதுவாக நான் இந்த மசோதாவை வரவேற்கிறேன். ஏற்கெனவே நான் சொன்னதைப்போல இந்த மசோதா முன்னதாக வந்திருக்கவேண்டும். நான் இதைப்பற்றி அமைச்சர்களுக்குப் பல முறை கடிதங்கள் எழுதிக் கேட்டேன். இந்தப் பிரதேசங்களுக்கு நம்முடைய ராஜ்ய சட்டங்களை அமுலுக்குக் கொண்டு வரவேண்டுமே, கொண்டுவராததன் காரணம் என்ன என்று எழுதிக் கேட்டபோது கொண்டுவர வேண்டியதில்லை என்று பதில் வந்திருக்கிறது இந்த் மன்றத்தில் கேள்விகள் மூலமாகக் கேட்டபோதும் அமைச்சர் சொன்னது வேண்டியதில்லை என்பதாகும். ஆயினும் இப்போது நிலைமையை நன்கு புரிந்துகொண்டு இந்றன் மசோதாவைக் கொண்டு வந்திருப்பதை நான் வரவேற்கிறேன். எந்தெந்த விதத்தில்

வருவாய் வரவேண்டுமோ அதை மாத்திரம் முன்னதாக ஞாபகத்தோடு கொண்டு வந்திருக்கிறார்கள். உதாரணமாக அக்ரிகல்சுரல் இன்கம் டாக்ஸ் ஆக்ட் போன்றவைகளைக் கொண்டு வந்து வருவாயைக் காப்பாற்றிக்கொண்டார்கள். இன்னும் அந்தப் பகுதி மக்களுக்கு லாபகரமான ஒன்றிரண்டு மசோதாக்களையும் நிறைவேற்றியிருக்கிறோம். உதாரணமாக, கோர்ட் ஃபீஸ் அண்ட் சூட்ஸ் வால்யுவேஷன் ஆக்ட். அந்தப் பிரதேசத்தில் ஆந்திரா சட்டம் இருந்தால் அதிக கோர்ட் ஃபீஸ் கட்ட வேண்டும் ஒரு சில வியாஜ்யங்கள் விஷயத்தில். அங்கு ஒரு முறை என்ன சொல்லிவந்தார்கள் என்றால் திருத்தணி டிஸ்ட்ரிக்ட் முன்ஸீஃப் கோர்ட் இருக்க வேண்டுமா, வேண்டாமா என்று பரிசீலனையில் இருக்கிறது என்று. ஒரு கோர்ட் இருக்கவேண்டுமென்றால் எத்தனை வியாஜ்யங்கள் இருக்கவேண்டும், இத்தனை ஸ்டாம்ப் ஃபீஸ் வரவேண்டும் என்று வைத்திருக்கிறார்கள். அவ்வளவு வருமா என்று யோசிக்கிறார்கள்.

அங்கு ஆந்திரா ஆக்ட் அமுலில் இருந்ததினால், அதிகமாக ஸ்டாம்பு ஒட்டவேண்டும். சென்னை ஆக்ட் வந்த பிற்பாடு வியாஜ்ஜியங்களை தாக்கல் செய்யலாம் என்று அங்குள்ள லீகல் ப்ராக்டிஷனர்ஸ் சொல்லிவிட்டார்கள். ஆகையினாலே இந்த மசோதாவை முன்னதாகவே கொண்டுவந்திருந்தால் நேரத்திலே கொண்டுவந்திருந்தால், இதிலே சர்ச்சைக்கு இடம் இருந்திருக்காது. இருந்தாலும், அரசாங்கம் அங்கு இருக்கும் கோர்ட்டை ரத்து செய்யக்கூடாது என்று நல்ல யோசனையைக் கூறி, இந்தச் சட்டங்களையெல்லாம் அங்கு அமுல் செய்வதற்கு இந்த மசோதாவை கொண்டுவந்ததற்கு நன்றி தெரிவித்துக்கொண்டு, இதை நான் ஆதரிக்கிறேன்.

Sri S. RANGANATHA MUDALIAR : Sir, while welcoming this measure which is long awaited, I request the Hon. Minister for Law to explain why such an important enactment as the Madras Hindu Religious and Charitable Endowments Act does not find a mention in this legislation.

The Hon. Sri C. SUBRAMANIAM : Sir, I do not think that there is any particular point for which a specific reply is required. We try to expedite the examination of these laws and then bring them forward as quickly as possible. Naturally we attach great importance to the collection of revenue and that is why all those things are scrutinised first and then they are brought to affect these areas also. We cannot be having within one State very different taxation measures even though some laws might be different. Therefore, the department will examine other enactments also quickly and it should be possible to bring in legislation perhaps before this year ends or a little later so that other enactments also will be made applicable to other areas.

The hon. Member, Sri Srinivasa Iyer, has suggested a Law Commission and I do not know when action could be taken on that. But it has been in the minds of the Government to have a Law Commission at some stage but that stage has not yet arrived.

DEPUTY SPEAKER : The question is—

" That the Madras (Added Territories) Extension of Laws (No. 2) Bill, 1961 (L.A. Bill No. 31 of 1961) be taken into consideration."

31st August 1961]

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 14 were put and carried.

Schedules 1 to 4 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM : Sir, I move—

"That the Madras (Added Territories) Extension of Laws (No. 2) Bill, 1961 (L.A. Bill No. 31 of 1961) be passed."

DEPUTY SPEAKER : The question is—

"That the Madras (Added Territories) Extension of Laws (No. 2) Bill, 1961 (L.A. Bill No. 31 of 1961) be passed."

The motion was put and carried and the Bill was passed.

III.—ANNUONCEMENTS—*cont.*

(3) THE MADRAS LOCAL AUTHORITIES FINANCE BILL, 1961.

DEPUTY SPEAKER : I have to announce to the House that the Governor has given his recommendation for the consideration of the Madras Local Authorities Finance Bill, 1961, in the Legislative Assembly.

THE HON. SRI C. SUBRAMANIAM.—அங்கத்தினர்களெல்லாம் ரொம்பவும் வேலை செய்து சோர்வு அடைந்துவிட்டதாகச் சொல்லுகிறார்கள்.

SRI M. KALYANASUNDARAM : இன்றைக்கு 4 பில்கள் பாஸ் செய்திருக்கிறோம்.) ஆகவே, இப்பொழுது சபையை ஒத்தி வைத்துவிட்டு, அடுத்த கூட்டத்தில் பாக்கி இருக்கும் மசோதாக்களை எடுத்துக்கொள்ளலாம் என்று நினைக்கிறேன்.

DEPUTY SPEAKER : I think the House has no objection.

The House will now adjourn and meet again on Monday, the 18th September 1961 at 11 a.m.

The House then adjourned.

VI.—PAPERS LAID ON THE TABLE OF THE HOUSE.

A. Statutory Rules and Orders.

* 343. *Notification issued with G.O. Ms. No.* 1940, *Industries, Labour and Co-operation* (*Labour*), *dated* 1st *April* 1961, *amending the Madras Weights and Measures* (*Enforcement*) *Rules*, 1958, *published with the Industries, Labour and Co-operation Department Notification S.R.O. No. A.* 7625 *of* 1958, *dated* 15*th November* 1958. [*Laid on the table of the House under section* 43 (4) *of the Madras Weights and Measures* (*Enforcement*) *Act*, 1958 (*Madras Act XX of* 1958).]